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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SELBY, GEVELL V

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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07/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/266,253

Applicant(s)

UJIE ET AL.

Examiner

Gevell Selby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54,55 and 57-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 54,55 and 57-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/22/07 has been entered.

Response to Arguments

2. Applicant's arguments filed 5/22/07 have been fully considered but they are not persuasive. The applicant submits the prior art does not disclose the following limitation of the claimed invention:

wherein said determination device causes said driving device to move the image sensing optical system to the non image sensing region, in a case where said determination device judges that said image sensing apparatus is released from the first state, as stated in claim 54. The examiner respectfully disagrees.

Examiner's Reply:

Re claim 54) The Kobayashi reference discloses a camera with photographing modes and a lock mode that are set by a main switch 30 and when the main switch is not set to a photographing mode it is set to the lock mode where the lens is set to a non-sensing position (see column 10, lines 17-26). It implied that the combination of Saito and Kobayashi discloses the determination device causing the driving device to move the image sensing optical system to the non image

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sensing region, in a case where said determination device judges that said image sensing apparatus is released from a photographing mode including that of the first state.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 54, 55, 57 ~~58~~ and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al, U.S. Patent 6,256,063, in view of Kobayashi et al, U.S. Patent 5,136,320.**

Regarding claim 54, Saito et al teaches an image sensing apparatus (camera 10) that judges at least whether said image sensing apparatus is connected to an external device (host computer 30) through a memory card such that the operations of the image sensing apparatus, including image capture, are controlled by the external device (host computer 30), which reads on an external control state in which said apparatus is controlled by an external controller unit (col. 9, line 47-col. 10, line 3).

The determination device is inherently taught because the camera judges whether the camera is in normal mode or remote mode according to whether the flag is set or not (see column 9, lines 49-54).

Saito also teaches that the image sensing apparatus can capture images when its shutter release button is pressed, which reads on an image sensing state in which said apparatus is not controlled by the external controller unit, individually (col. 9, lines 4-7). Therefore, Saito teaches that operations of the camera may be controlled individually or by an external device (see column 9, line 63 to column 10, line 3), which reads on determination of operations of the image sensing apparatus in accordance with whether the image sensing apparatus is controlled by an external device.

In another embodiment, Saito discloses a driving device (see figure 11, element 236) that moves an image sensing optical system (see figure 11, element 231 and column 13, lines 33-39). The Saito reference also discloses the system controller or determination device determines an operation of said driving device in accordance with a judgment result of said determination device, by detecting the operation of the zoom lever (236) after it is implied the system controller or determining device has already determined the camera is in the normal mode by the flag, the system controller then begins to drive or optically zoom the zoom lens (231) in accordance with the judgment result that the device is in an image sensing state in which said apparatus is not controlled by the external controller unit (see column 13, lines 33-38). The Saito reference further discloses the system controller or determination device determines an operation of said driving device in accordance with a judgment result of said determination device that the device is in an image sensing state in which said apparatus is controlled by the external controller, wherein it is implied the system controller or determining device has already determined the camera is in the external mode by the flag before the host computer sends

a zoom command to the determination device to drive to the lens (see column 9, line 66 to column 10, line 3). Therefore, Saito reference discloses the determine determination device also determining an operation of said driving device in accordance with a judgment result of said determination device in two of the three states, an image sensing state and the external controller state.

Saito also discloses a liquid crystal display (232) and LCD driving circuit (233) which can display in a playback mode the real-time image and can also display the still images which are recorded in the image to confirm a photographing (see column 13, lines 14-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify the first embodiment of the Saito reference in view of the fifth embodiment to have a driving device and a playback mode in which said apparatus is not controlled by the external controller unit, in order to focus the image and view the image during photographing, so that the user instantly verify the image was captured correctly, making the photographing process easier while saving the user time not having to connect to the host computer. The system control determining that the camera is in normal mode and displaying the images on the LCD reads on the determining device judging whether said apparatus is in a playback state in which said apparatus is not controlled by the external controller unit.

The Saito reference does not teach that the driving device moves an image sensing optical system to image sensing and non-image sensing regions and wherein said determination device causes said driving device to move the image sensing optical

system to the non image sensing region, in a case where said determination device judges that said image sensing apparatus is released from the first state.

Kobayashi teaches a driving device (zoom motor 10) that moves an image sensing optical system (zoom lens 11) to image sensing and non-image sensing regions (col. 9, lines 13-18, 43-49). The Kobayashi reference discloses the camera has several modes including a lock mode (see column 10, lines 15-20), when the determination device or controller determines the camera is in the lock mode, the lens is moved to a non-image sensing or storage region (see column 16, lines 38-50). When the control determines the camera is in marco mode, it moves the lens to an image sensing region (see column 16, lines 53-67). The Kobayashi reference discloses a camera with photographing modes and a lock mode that are set by a main switch 30 and when the main switch is not set to a photographing mode it is set to the lock mode where the lens is set to a non-sensing position (see column 10, lines 17-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the driving device of Kobayashi that moves the lens into image sensing and non-image sensing regions into the image sensing apparatus that may be controlled individually or by an external device taught by Saito, in order to make an image sensing apparatus that drives its optical system in accordance with the desires of its controller in accordance with the mode of operation, whether the controller is an individual operator or an external unit. One of ordinary skill would have been motivated to make such a modification to provide greater flexibility in operating a camera. It implied that the combination of Saito and Kobayashi discloses the

determination device causing the driving device to move the image sensing optical system to the non image sensing region, in a case where said determination device judges that said image sensing apparatus is released from a photographing mode including that of the first state.

Regarding claims 55, Saito in view of Kobayashi teach the apparatus of claim 54. Saito teaches that when a camera is connected to the computer, which reads on the external control state, the computer sends controls the camera pertaining to image sensing (col. 9, line 47-co1. 10, line 3). It would have been obvious to one of ordinary skill to move the optical system to the image sensing region when capturing images.

Regarding claim 57, Saito in view of Kobayashi teach the apparatus of claim 54, respectively. Saito teaches that the host computer transmits shutter release commands to the camera (col. 9, line 47-co1. 10, line 3), which reads on an external control state in which the external controller unit transmits an image sensing signal to the camera. It would have been obvious to one of ordinary skill to move the optical system to the image sensing region when capturing images.

Regarding claim 62, Saito in view of Kobayashi teaches the apparatus of claim 54. See above. Saito in view of Kobayashi discloses the image sensing optical system is driven to the non-image sensing region in response to the completion of an image sensing operation in the first state (see Kobayashi: column 16, lines 37-50: When the camera goes into a non-use condition for the lens, the zoom lens is retracted into the camera body).

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5. Claims 58-60 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al, U.S. Patent 6,256,063, in view of Kobayashi et al, U.S. Patent 5,136,320, and further in view of Takahashi, U.S. Patent 5,210,567.

Regarding claim 58, Saito in view of Kobayashi teach the apparatus of claim 57.

See above. Saito in view of Kobayashi do not teach the driving of said optical system to the non-image sensing region in response to a completion of an image sensing operation.

Takahashi teaches the retraction of a lens to a rest position a predetermined time period after an image capture (col. 2, lines 40-52), which reads on the driving of an optical system to a non-image sensing region in response to a completion of an image sensing operation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the apparatus of Saito in view of Kobayashi with the practice of positioning the optical system in the non-image sensing region following the completion of an image capture taught by Takahashi to make an apparatus that retracts the lens once image capture has been completed. One of ordinary skill would have been motivated to make such a modification to protect the lens when not in use.

Regarding claims 59 and 63, Saito in view of Kobayashi teach the apparatus of claim 57 and 54, respectively. See above. Saito in view of Kobayashi do not teach a timer for causing said driving device to drive said image sensing optical system to the non-image sensing region a predetermined time period after a completion of an image sensing operation.

Takahashi teaches the retraction of a lens to a rest position a predetermined time period after an image capture (col. 2, lines 40-52). The timer is inherently taught.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the apparatus of Saito in view of Kobayashi with the technique of Takahashi to make an image sensing apparatus with a timer that retracts the lens to a non-image sensing position once a predetermined time period following an image capture has elapsed, whether the apparatus is in the external control state or not. One of ordinary skill would have been motivated to make such a modification to protect the lens when not in use.

Regarding claim 60, Saito in view of Kobayashi teach the apparatus of claims 59. Takahashi teaches the retraction of lens to a rest position after the elapse of a predetermined time period following the last image capture (col. 2, lines 40- 52). It would have been obvious to one of ordinary skill that if another image were captured before the predetermined time period elapses, the timer resets in accordance with the most recent image captured, and the lens would remain in the extended position.

6. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al, U.S. Patent 6,256,063, in view of Kobayashi et al, U.S. Patent 5,136,320, and further in view of Hashimoto et al, U.S. Patent 6,344,875.

Regarding claims 7,8, 56, 61, 88, 93, 124, and 125, Saito in view of Kobayashi teach the apparatus according to claims 1, 54, 86, and 118, respectively. See above. Kobayashi teaches that the image sensing optical system is positioned in a non-image sensing region during a non-image sensing state, which reads on the prevention of the

optical system from being driven to the image sensing state (col. 16, lines 38-5). Saito teaches a digital camera with a memory for storing digital images (col. 9, lines 13-17). Saito in view of Kobayashi do not teach that the image sensing optical system is in the non-image sensing region when the apparatus is in the external control state.

Hashimoto teaches that when a computer controls the camera, it is limited to transmitting and receiving images, which reads on non-image sensing states (col. 10, lines 30-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the practice of positioning optical systems in the non-image sensing position when the apparatus is in a non-image sensing mode taught by Saito in view of Kobayashi with the use of external control states taught by Hashimoto to make an apparatus that positions the optical system in the non-image sensing region when the camera is transmitting or receiving images in the external control state. One of ordinary skill would have been motivated to make such a modification to safeguard the lens when it is not in use.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gvs



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